

**Draft Summary of the Land Use, Land Management and Aesthetics Work Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
July 26, 2004**

The Department of Water Resources (DWR) hosted a meeting for the Land Use, Land Management and Aesthetics Work Group (LUWG) on July 26, 2004 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary for interested parties who could not attend the meeting. The following are attachments to this summary:

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Presentation: L4 Aesthetic/Visual Resources Report Overview

Introduction

Attendees were welcomed to the LUWG meeting. Attendees introduced themselves and their affiliations. The LUWG reviewed the desired outcomes of the meeting. The meeting agenda and list of meeting attendees are appended to this summary as Attachments 1 and 2, respectively.

Action Items – May 17, 2004 LUWG Meeting

A summary of the May 17, 2004 LUWG meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

- Action Item #LU102:** Find out whether the settlement meeting schedule can be posted on the Oroville relicensing web site.
- Status: The Facilitator forwarded the request that the Settlement Negotiation Group meeting schedule be posted to the relicensing web site to DWR. The settlement schedule is posted on the master meeting schedule although participants noted that no locations or times are provided.
- Action Item #LU103:** Forward revised resource actions (Butte County PM&Es #4A and 4B) to the LUWG for review and crosscheck against recreation-related resource actions. A follow-up discussion will be held at the next LUWG meeting in July.
- Status: The County's resource actions were distributed via mail to the LUWG along with the L1 study report. Additional copies were not available at the meeting. These resource actions were discussed in depth later in the meeting (see separate agenda item below).

Study Implementation Update / Report Review

The Consultant Team provided an update on the five Land Use, Land Management and Aesthetics studies to the LULMAWG. Comments on all final reports are due to DWR by August 23, 2004; the comment period for Study L2 (Land Management) will be extended pending its release to the LULMAWG in August. Only comments correcting factual information will be considered in terms of revising the final reports and revisions will be handled through an errata sheet. The LULMAWG will be able to discuss and comment on the reports at the August LULMAWG meeting. It was further noted that substantive comments on the final reports would be addressed in the PDEA.

SP-L1 (Land Use)

The final L1 report was distributed to the LULMAWG in advance of the meeting to facilitate the review process. The final report addresses all comments made by LULMAWG participants on earlier drafts. Comments on the L1 report include:

- Section 1: There is reference to the capacity of Lake Oroville being 3.5 million acre-feet. Rob MacKenzie (Butte County) feels that this number is outdated. It was clarified that this is the official capacity figure for Lake Oroville.
- The boilerplate text related to project operations appears to have been improved relative to what was included in previous drafts.

SP-L2 (Land Management)

Study L2 represents the only remaining study report that has not been finalized and distributed to the LULMAWG. It is currently being reviewed by DWR staff and Jim Martin (DWR) told the LULMAWG that he anticipates that this study report will be distributed to the LULMAWG in advance of the August 2004 LUWG meeting.

SP-L3 (Comprehensive Plan Consistency)

The final L3 study report is complete and was previously released to the LULMAWG. One participant noted that the City's Downtown Redevelopment Plan, which captures all of the City's proposed resource actions, should be considered in the comprehensive plan consistency review process. He suggested that this plan will be appended to the City of Oroville General Plan and as such, should be included in the consistency review.

SP-L4 (Aesthetics)

Mark Greenig (EDAW) provided an overview of Study L4, the final draft of which was distributed to the LULMAWG at the meeting. The overview was facilitated by a handout that was distributed to the LULMAWG (see Attachment 4). The handout provides guidance on how to review this study report. The study report is written to provide FERC staff a general understanding of the visual character of the project area and facilities. Chapters 2 and 3 address the need for and objectives of the study, respectively. Chapter 4 presents the methodology section. Fifty-five key observation points (KOPs) were considered initially, and through a screening process, 25 KOPs were selected for further analysis. The study is consistent with methodology and reporting used by the U.S. Forest Service, an agency with strong visual quality objectives. It was noted that the BLM also has standard methodology to evaluate visual resources.

The study area includes highway segments that are designated as eligible State scenic highways by Butte County, including parts of Pentz Road and Lumpkin Road. This designation is part of the County zoning ordinance and there are policies that support this designation in the Butte County General Plan. However, County-designated eligibility does not substantially affect allowable land uses, as is the case on public lands managed, for example by the U.S. Forest Service. The designation of roadways as State scenic highways has funding implications.

The focus of the presentation was on Chapter 6 of the study report. This chapter consists of three main parts, including an overall generic evaluation of facilities, an overall evaluation of operational practices, and a detailed site-specific analysis through identified KOPs. A five-point scale was used to evaluate visual resources, as outline in the methodology. Exceedance data, which shows how often certain lake levels are exceeded, were used in the analysis instead of absolute lake level data.

Table 6.1-3 represents historic actual data. The LULMAWG discussed the period of time this table covered and suggested that the analysis should have only looked at the last 20 years (e.g., 1980+) of hydrology because that period represents the most recent operations of the Oroville Facilities and covers a range of wet-dry hydrological cycles.

Section 6.1.3 summarizes visitors' perceptions of visual quality as captured through the recreation survey efforts in Study R13.

DPR staff indicated that there is very little trash pickup occurring at the Thermalito Afterbay outlet area. This area has become unsightly and is a common subject of complaints that DPR receives from visitors. DPR suggests that this lack of attention has been an ongoing issue for years.

The LULMAWG discussed the use of references in the report and some apparent contradictions and the consultant team agreed to review all references and make corrections where necessary.

SP-L5 (Fuel Load Management)

The final L5 study report is complete and was previously released and reviewed by the LULMAWG.

County PM&Es 4A and 4B Discussion

This agenda item is a continuation from the May 2004 LUWG meeting. Butte County's PM&Es 4A and 4B were mailed out to the LULMAWG in advance of the meeting. Rob MacKenzie (Butte County) provided an overview of each of these proposals.

PM&E 4A is intended to restore funding to DFG as manager of the OWA. Funding would be used for operations and maintenance (O&M), and includes catch-up and future funding. This proposal would need to be coordinated with enhancement measures coming out of the Recreation and Socioeconomics Work Group including: WA1, WA2, WA5, and TF14. The PM&E suggests a baseline and follow-up survey that documents safety-related conditions at the OWA. It was emphasized that the OWA is currently a dangerous location with little or no law enforcement presence to deter illegal activities.

PM&E 4B addresses overall project security issues, including the looting of known cultural resource sites. The purpose of this proposal is to establish a coordinated project-wide law enforcement system with formal incident response protocols. Butte County suggests that such response protocols could represent mitigation under NEPA for identified public health and safety impacts. DWR would coordinate and facilitate a joint local/State/federal law enforcement task force effort, including task force meetings and funding, and development of a physical sub-station (or public safety center). It was noted that informal coordination among agencies does occur currently. The goal is to establish a law enforcement presence in the project area that provides an appropriate level of protection for local residents and visitors. An initial law enforcement analysis would be required that evaluates existing crime rates and types of crimes prior to implementing the task force. Another goal of this resource action is to avoid closure of recreation areas such as the OWA as a response to insufficient funding for adequate law enforcement. It was pointed out by DPR staff that some visitors are concerned that there is too much law enforcement presence in the project area, particularly during non-peak months. It was noted that CHP is responsible for State lands outside the SRA, and are looking for a new office location in the project area.

Butte County suggests that there is currently a lack of funding for law enforcement because, unlike private development, impact fees cannot be levied on public lands. Related PM&Es include RSWG S/O-25, LWG-7 and LWG-24. One participant inquired as to the funding required for this proposal; costs are not currently known, but could be evaluated in the PDEA if this PM&E become part of the analysis.

John Coburn (SWC) requested additional time to consider approval of both 4A and 4B and the LULMAWG decided to provide an additional week to review the proposals before agreeing to a recommendation for further analysis by the PDEA Team. The LULMAWG agreed to provide comments by August 2, 2004. If no negative feedback is received, then the proposals will be

moved forward to the PDEA team for further analysis and possible inclusion in an alternative. If a participant opposes the move, a subsequent LULMAWG conference call will be arranged to discuss the issue. The participants asked that the two PM&Es be posted as an attachment to the May 2004 LULMAWG meeting notes to facilitate this review.

Other

Jim Martin explained that a new resource action was recently submitted to DWR from DPR. It deals with the need to inventory fuel load reduction at cultural resource sites. It was forwarded to Janice Offermann (DWR) for review, and may go to the Cultural Resource Work Group for adoption as one of their PM&Es and subsequent evaluation. Issues to consider include using vegetation to protect cultural sites and the use of fuel load management techniques that would reduce the potential for wildfires, and in turn, could reduce erosion-related impacts on cultural resources. The LULMAWG asked that this new resource action be distributed to the LULMAWG for review and placed on the August 2004 LULMAWG meeting agenda for discussion.

Next Meeting and Next Steps

The next Land Use, Land Management and Aesthetics Work Group meeting will be held on the following date/time:

Date: Monday, August 23, 2004
Time: 6:00 PM to 9:00 PM
Location: Oroville

Action Items

The following list of action items identified by the Land Use, Land Management and Aesthetics Work Group includes a description of the action, the participant responsible for the action, and item status.

Action Item #LU104: Research what period of time Table 6.1-3 in the L4 study report corresponds to.
Responsible: Consultant Team
Due Date: August 23, 2004

Action Item #LU105: Post Butte County PM&Es 4A and 4B to the relicensing web site as attachments to the May 2004 LULMAWG meeting notes.
Responsible: DWR
Due Date: August 2004

Action Item #LU106: Participants will review Butte County PM&Es 4A and 4B and notify the Facilitator by August 2 if they have heartburn sending these forward to the PDEA team for further analysis. If concern is raised, a LULMAWG conference call will be initiated to discuss the concern and seek to reach consensus on the recommendation for these PM&Es.
Responsible: Participants/Facilitator/DWR
Due Date: August 2004

Action Item #LU107: Distribute the new cultural-related resource action to the LULMAWG and place it on the August 2004 LULMAWG meeting agenda.
Responsible: DWR
Due Date: August 16, 2004